

**City of Warwick Planning Board
Meeting Minutes**

Wednesday, March 9, 2011

Members Present: John J. Mulhearn Jr, Chairman
Philip Slocum
Thomas Kiernan
Cynthia Gerlach
Sue Stenhouse
James Desmarais

Members Absent: Leah Prata
Vincent Gambardella

Also in attendance: Diana Pearson, Solicitor

Chairman Mulhearn called the meeting to order at 6:09 P.M.

On the motion of Ms. Stenhouse, seconded by Mr. Slocum, with Mr. Desmarais abstaining, the Planning Board voted unanimously to approve the February 9, 2011 meeting minutes.

Public Informational Meeting

Major Land Development Project/Zone Change Request

North Street/PDR-L

Applicant: Robert and Cherine Spagnolo
Location: 20-22 North Street
Assessor's Plat: 274
Lot(s): 109
Zoning District: Residential A-7, with an existing Historic Overlay District
Proposed Zoning: Residential A-7, with PDR-L, with an existing Historic Overlay District
Land Area: 20,045 square feet
Surveyor: Robert Spagnolo.
Ward: 8

The applicants were represented by Attorney K. Joseph Shekarchi who appeared before the Board to request Master Plan approval of a Major Land Development Project to allow for the conversion of an existing two (2) unit dwelling to a three (3) unit dwelling, on a lot with less than required frontage and lot width, and less than required front and side yard setback

Mr. Shekarchi informed the Board there were no objectors to the project present at the meeting and the applicants had reviewed that Planning Department's stipulations and had no objections to any of the stipulations.

Mr. Shekarchi explained that the applicants had been trying for several years to convert the existing two (2)-unit dwelling to a three (3)-unit dwelling, but were unable to do so because the proposal required a special use permit and dimensional variance, which was prohibited. The City Council has since adopted a new ordinance that allows this project to proceed. Mr. Shekarchi explained how the permitting process for this project has been long and involved and that the applicants have been persistent in trying to do the right thing.

Ms. Stenhouse stated that she was concerned with the apparent minimum housing issues existing on the property. Mr. Shekarchi explained that those issues were addressed in the Planning Department's stipulations and that the applicant is agreeing with all of the stipulations. Mr. Shekarchi explained that some of the stipulations have already been addressed.

Mr. Shekarchi stated that he had contacted the neighbor directly across the street, who expressed no objections to the project.

Ms. Stenhouse asked if this would be a rental property. Mr. Shekarchi responded yes, it is rental property.

Mr. De Pasquale explained to the Board that there had been new legislation enacted by the City Council which requires that all multifamily developments receive a zone change from the City Council, meaning that the Planning Board will be making a recommendation to City Council on all multifamily developments in the future.

Mr. Shekarchi testified that his clients had read and agreed to the Planning Department's findings and stipulations and that a formal reading of those items into the record was not necessary.

Being no other questions or comments from the Board, Mr. De Pasquale submitted the Planning Department's findings and recommendation, which are as follows:

The Planning Department finds this proposal to be generally consistent with Article 1, "Purposes and General Statements" of the City's Development Review Regulations, and:

1. That the existing 2-unit dwelling has been determined to be a legal use as established by the 1954 Tax Assessor's record.
2. That the proposal is to convert the existing storage area, above the attached garage, to living space.
3. That the proposal is consistent with the surrounding area, 61% of the properties within the 200' radius are multifamily, consisting of (18) single family residences, (7) 2-unit residences, (3) 3-unit residences, and (1) 5-unit residence.

4. Not in compliance with the standards and provisions of the City's Zoning Ordinance, therefore requiring a City Council Zone Change to A-7 with a PDR-L Overlay, within an existing Historic Overlay District with variances for less than required frontage and lot width and less than required front and side yard setback from the existing structure.
5. That the proposal is consistent with the lot area and density requirements contained within the City of Warwick Zoning Ordinance; Subsection 308.3A, "*Development Standards for Planning District Residential-Limited (PDR-L)*."
6. That the Applicant received Historic District Commission approval in April 2007 to demolish the existing garage/outbuilding and to construct an attached (3) bay garage with storage space above.
7. That public sewer and water are available to the property.
8. Generally consistent with the Comprehensive Community Plan.
9. That there will be no significant negative environmental impacts from the proposed development.
10. That the development will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
11. That the proposed development possesses adequate access to a public street.

Planning Department Recommendations

The Planning Department recommendation is to grant Master Plan approval, with the following stipulations:

1. That the Applicant shall receive a City Council Zone Change to A-7 with a PDR-L Overlay within an existing Historic Overlay District, with variances for less than required frontage and lot width and less than required front and side yard setback from the existing structure.
2. That the Applicant shall install a six foot stockade fence along the easterly property line to buffer the parking area from the abutting property.
3. That the off-street parking area and driveway shall be surfaced with bituminous surface with appropriate drainage; or as an alternative, a $\frac{3}{4}$ inch crushed stone surface having a minimum depth of 4 to 6 inches.
4. That the off-street parking area surfaced by crushed stone or bituminous surface, shall include the area dedicated to (6) six, 9'x 18' parking stalls; as well as, the driveway and back-up area behind the parking stalls which shall extend a minimum depth of 20' behind the said stalls.

5. That the Applicant shall install bumper guards as wheel barriers at each parking stall to define the parking area at each parking stall and to prevent projection of vehicles over to the adjacent properties.
6. That the property owner shall have the existing unregistered vehicles removed and prevent any future storage of unregistered, junked, or inoperable vehicles at the property.

On the motion of Mr. Slocum, seconded by Mr. Kiernan, the Planning Board voted unanimously to formally adopt the Planning Department's findings and to grant Master Plan Approval, with the Planning Department's recommended stipulations.

Zone Change Finding

20-22 North Street/PDR-L

The Planning Department finds the proposed zone change to be in compliance with the City's Comprehensive Plan, including the Goals and Policies Statement, the Implementation Program, the Land Use Element and the Housing Element.

The Planning Department also finds the proposed zoning amendment to be generally consistent with the following purposes of the City's Zoning Ordinance, as presented in Section 100, "Title and Purpose."

103.1 Promote the public health, safety and general welfare of the City.

103.2 Provides for a range of uses and intensities of use appropriate to the character of the City and reflect current and future needs.

103.3 Provides for orderly growth and development, which recognizes:

- A.) The goals and patterns of land use contained in the Comprehensive Plan of the city of Warwick.
- E.) The availability and capacity of existing and planned public and/or private services and facilities.
- F.) The need to shape and balance urban and suburban development.

103.5 Provide for the protection of the natural, historic, cultural, and scenic character of the city or areas therein.

103.8 Promote a balance of housing choices, for all income levels and groups, to assure the health, safety and welfare of all citizens and their rights to affordable, accessible, safe, and sanitary housing, including opportunities for the establishment of low and moderate income housing.

Zone Change Recommendation

The Planning Department recommends a favorable recommendation to the Warwick City Council for the requested zoning amendment, with the following stipulations:

1. That the Applicant shall receive a City Council Zone Change to A-7 with a PDR-L Overlay within an existing Historic Overlay District, with variances for less than required frontage and lot width and less than required front and side yard setback from the existing structure.
2. That the Applicant shall install a six foot stockade fence along the easterly property line to buffer the parking area from the abutting property.
3. That the off-street parking area and driveway shall be surfaced with bituminous surface with appropriate drainage; or as an alternative, a ¾ inch crushed stone surface having a minimum depth of 4 to 6 inches.
4. That the off-street parking area surfaced by crushed stone or bituminous surface, shall include the area dedicated to (6) six, 9'x 18' parking stalls; as well as, the driveway and back-up area behind the parking stalls which shall extend a minimum depth of 20' behind the said stalls.
5. That the Applicant shall install bumper guards as wheel barriers at each parking stall to define the parking area at each parking stall and to prevent projection of vehicles over to the adjacent properties.
6. That the property owner shall have the existing unregistered vehicles removed and prevent any future storage of unregistered, junked, or inoperable vehicles at the property.

On the motion of Mr. Slocum, seconded by Ms Stenhouse the Planning Board voted to formally adopt the Planning Department's findings and forward a favorable recommendation to the City Council for the requested zone change, with the Planning Department's recommended stipulations.

A motion was then made by Mr. Slocum to open the public hearing for the Major Land Development Project, 20-22 North Street PDR-L.. The motion was seconded by Ms. Stenhouse, all voted in favor, none opposed. Chairman Mulhearn asked if anyone present was interested in being heard on this Petition. Being no questions or comments, Mr. Slocum made a motion to close the public hearing. The motion was seconded by Ms. Stenhouse with all voting in favor, none opposing.. The Chair restated for the record that the board had voted unanimously in favor of the Master Plan with a second vote for a favorable recommendation for the zone change to the City Council which passed with a 6 to 0 vote.

On the motion of Mr. Slocum, seconded by Ms. Stenhouse, the Planning Board voted unanimously to adjourn the meeting at 6:17 PM.